

United States District Court

E-FILED
FILEDNORTHERN DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA

2006 DEC -7 P 2: 04

V.
ESCOBAR, CARLOS

CRIMINAL COMPLAINT

CASE NUMBER:

06 70791

HRL

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S. J.

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than September 20, 2006 in Santa Clara County in the Northern District of California defendant(s) did, (Track Statutory Language of Offense)

Unlawfully re-enter and was found in the United States after deportation, without the permission of the Attorney General or the Secretary of the Homeland Security.

in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:-
Official Title


SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and

a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant / government will request detention.

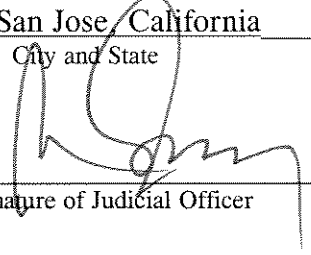
APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEYContinued on the attached sheet and made a part hereof: ☒ Yes ☐ No
Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

12/7 2006

at San Jose, California
City and StateHoward R. Lloyd
United States Magistrate Judge
Name & Title of Judicial Officer
Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT PERCY ORUM

I am a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), formerly known as the United States Immigration and Naturalization Service ("INS"). The departmental change from INS to ICE became effective on March 01, 2003, pursuant to Executive Orders of the Homeland Security Act. I have been employed with INS/ICE since March 05, 1980. I am currently assigned to the Alien Criminal Apprehension Program ("ACAP") Unit of the San Jose Sub-office. In such capacity, I have reviewed the official file relating to the below named individual, which attests to the following:

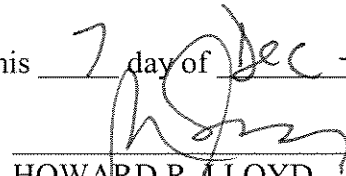
- (1) ESCOBAR, CARLOS ("ESCOBAR") is a 36-year-old male native and citizen of Mexico, who has used eight (08) aliases and one (01) date of birth in the past.
- (2) ESCOBAR, has been assigned one (1) Alien Registration Number of A092 223 508, FBI Number of: 154755MA4, Santa Clara County Personal File Number of: CUH213, California Department of Corrections Number of: P061775, and a California Criminal Information Index number of: A09460139.
- (3) On August 04, 1995, ESCOBAR was convicted in the Superior Court of the State of California, in and for the County of Santa Clara, for the offense of INFLICTING CORPORAL INJURY ON SPOUSE/COHABITANT, ETC, in violation of Section 273.5 of the California Penal Code, a Misdemeanor.
- (4) On August 18, 1998, ESCOBAR was convicted in the Superior Court of the State of California, in and for the County of Santa Clara, for the offense of INFLICTING CORPORAL INJURY ON SPOUSE/COHABITANT, ETC(WITH SPECIFIC PRIOR), in violation of Section 273.55 of the California Penal Code, a Felony.
- (5) A check through ICE's records shows that ESCOBAR was arrested and deported on one (01) occasion from the United States: on November 04, 2005 at San Ysidro, California.
- (6) ESCOBAR last entered the United States at or near an unknown place and date after November 04, 2005, by crossing the international border without inspection subsequent to deportation.
- (7) ESCOBAR, on a date unknown but no later than September 20, 2006, at the Santa Clara County Jail, San Jose, California, was found to be unlawfully present in the United States after prior arrest and deportation, without the permission of the Attorney General or the Secretary of the Homeland Security, in violation of Title 8, United States Code, Section 1326.

- (8) On September 20, 2006, ESCOBAR was interviewed by Your Affiant at the Santa Clara County Jail, San Jose, California, Northern District of California. During that interview, in Spanish, ESCOBAR was advised of his Miranda rights. ESCOBAR refused to waive his rights and to give a sworn statement. Information concerning alienage, prior deportation and ESCOBAR's failure to obtain permission from the Attorney General or the Secretary of the Homeland Security to return to the United States after deportation was obtained from ESCOBAR's alien file, ICE, state, FBI, and local checks.
- (9) On September 20, 2006, ESCOBAR provided his right thumb and right index fingerprints with his sworn statement form. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with ESCOBAR's fingerprints on the executed Warrant of Deportation, and his Santa Clara County Booking fingerprints. The latent print examiner determined that the fingerprints were identical and related to ESCOBAR.
- (10) There is no record in the official file of the United States Department of Homeland Security, Immigration and Customs Enforcement that ESCOBAR ever applied to the Attorney General or the Secretary of the Homeland Security to reenter the United States after deportation.
- (11) ESCOBAR is currently in custody at the Santa Clara County Jail, San Jose, California on states charges with a pending release date.
- (12) On the basis of the above-described information, there is probable cause to believe that ESCOBAR illegally entered the United States, in violation of Title 8, United States Code, Section 1326. ESCOBAR was found in the United States after having been deported, and he had not sought permission from the United States Attorney General or the Secretary of the Homeland Security to re-enter the United States.



Percy Orum
Special Agent
U.S. Immigration and Customs
Enforcement

Subscribed and sworn to before me this 7 day of Dec, 2006.



HOWARD R. LLOYD
UNITED STATES MAGISTRATE
JUDGE